

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1213 be amended to read as follows:

- 1 Page 4, between lines 4 and 5, begin a new paragraph and insert:
- 2 "SECTION 3. IC 22-11-14-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) Nothing in this
- 4 chapter shall be construed to prohibit:
- 5 (1) any resident wholesaler, manufacturer, importer, or distributor
- 6 from selling:
- 7 (A) at wholesale fireworks not prohibited by this chapter; ~~or~~
- 8 (B) fireworks not approved for sale in Indiana if they are to be
- 9 shipped directly out of state within five (5) days of the date of
- 10 sale; ~~or~~
- 11 **(C) common fireworks to a person at least sixteen (16)**
- 12 **years of age.**
- 13 (2) the use of fireworks by railroads or other transportation
- 14 agencies for signal purposes or illumination;
- 15 (3) the sale or use of blank cartridges for:
- 16 (A) a show or theater;
- 17 (B) signal or ceremonial purposes in athletics or sports; or
- 18 (C) use by military organizations;
- 19 (4) the intrastate sale of fireworks not approved for sale in Indiana
- 20 between interstate wholesalers;
- 21 (5) the possession, sale, or disposal of fireworks, incidental to the
- 22 public display of Class B fireworks, by wholesalers or other
- 23 persons who possess a permit to possess, store, and sell Class B
- 24 explosives from the Bureau of Alcohol, Tobacco and Firearms,

United States Department of the Treasury; or
 (6) the use of indoor pyrotechnics special effects material before
 an indoor or outdoor proximate audience.

(b) For the purposes of this section, a resident wholesaler, importer,
 or distributor, is a person who:

- (1) is a resident of Indiana;
- (2) possesses for resale common fireworks approved or not
 approved for sale in Indiana;
- (3) is engaged in the interstate sale of common fireworks
 described in subdivision (2) as an essential part of a business that
 is located in a permanent structure and is open at least six (6)
 months each year;
- (4) sells common fireworks described in subdivision (2) only to
 purchasers who provide a written and signed assurance that the
 fireworks are to be shipped out of Indiana within five (5) days of
 the date of sale; and
- (5) has possession of a certificate of compliance issued by the
 state fire marshal under section 5 of this chapter.

(c) A purchaser may not provide a written and signed assurance that
 the fireworks purchased are to be shipped out of Indiana and then sell
 or use them in Indiana.

SECTION 4. IC 22-11-14-6 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. A person who
 violates section 4(c), 5(c), 5(d), 7, ~~or 8~~, **or 8.3** of this chapter commits
 a Class A misdemeanor.

SECTION 5. IC 22-11-14-8.3 IS ADDED TO THE INDIANA
 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2000]: **Sec. 8.3. A person shall not knowingly
 or intentionally sell fireworks, at wholesale or at retail, to a person
 less than sixteen (16) years of age.**

SECTION 6. IC 22-11-14-8.5 IS ADDED TO THE INDIANA
 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2000]: **Sec. 8.5. A person less than sixteen
 (16) years of age who purchases fireworks commits:**

- (1) a Class C infraction; and**
- (2) a delinquent act under IC 31-37-2-7."**

Page 7, between lines 12 and 13, begin a new paragraph and insert:
 "SECTION 11. IC 31-30-1-2 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. Except as provided
 in IC 33-5-29.5-4 ~~IC 33-5-35.1-4~~, and section 8 of this chapter, the
 juvenile law does not apply to the following:

- (1) A child at least sixteen (16) years of age who allegedly
 committed a violation of a traffic law, the violation of which is a
 misdemeanor, unless the violation is an offense under IC 9-30-5.
- (2) A child who is alleged to have committed a violation of a
 statute defining an infraction, except as provided under IC 7.1-5-7

1 **and IC 22-11-14-8.5.**

2 (3) A child who is alleged to have committed a violation of an
3 ordinance.

4 (4) A child who:

5 (A) is alleged to have committed an act that would be a crime
6 if committed by an adult; and

7 (B) has previously been waived under IC 31-30-3 (or
8 IC 31-6-2-4 before its repeal) to a court having misdemeanor
9 or felony jurisdiction.

10 SECTION 12. IC 31-37-2-7 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2000]: **Sec. 7. A child commits a delinquent act if, before**
13 **becoming sixteen (16) years of age, the child violates**
14 **IC 22-11-14-8.5 concerning minors and the purchase of fireworks."**

15 Page 7, line 36, delete "(IC35-43-4-3)" and insert "(IC 35-43-4-3)".

16 Renumber all SECTIONS consecutively.

(Reference is to HB 1213 as printed January 21, 2000.)

Representative Fry